

DON'T BE CONFLICTED!

AN INFORMATIONAL QUIZ PRESENTED
BY THE WASHINGTON, D.C. OFFICE OF
CAMPAIGN FINANCE TO CHECK YOUR
KNOWLEDGE OF THE CONFLICT OF
INTEREST STATUTE

FORMAT

- First, an explanation of the applicable law and the cite thereto is shown.
- Second, a fictitious fact pattern, possibly incorporating actual government instrumentalities, will be presented.
- Third, a question, followed by four (4) likely answers, will be posed; only one (1) answer is correct.
- Fourth, the most accurate answer will be revealed and analyzed.

Conflict of Interest and the Public Official

- In the D.C. Office of Campaign Finance (OCF), the term, “public official,” encompasses all elected and appointed employees of the District of Columbia.
- With regard to conflict of interest, OCF has limited to unlimited governing authority over each type of public official.
- For the purposes of the **Financial Disclosure Program**, a public official is any person required to file a Financial Disclosure Statement (FDS). As such, the term “public official” includes subordinate agency heads; individuals in the Excepted Service or Legal Service and paid at a rate of DS-13 or above; individuals in the Management Supervisory Service and paid at a rate of MS-13 or above; statutory office holders; elected officials; political appointees; certain members of Boards and Commissions; and, persons registered as candidates with the Office of Campaign Finance (OCF), other than those for the offices of members of Advisory Neighborhood Commissions (ANC). Accordingly, the term “public official” does not include ANC candidates or members because these persons are not required to file FDS forms. D.C. Official Code §1-1106.01.
- **Proviso:** Many of the above cited public officials may be requested by their agency heads to complete the District’s “Confidential Statement.” This document may be required by the OFFICE OF THE MAYOR; it is not to be confused with the FDS, as required by OCF.
- For the purposes of the issue of **Conflict of Interest**, a public official is any person required to file an FDS **and** ANC members. D.C. Official Code §1-1106.02(i)(2).

QUESTION ONE

- Adele Allen, a Human Resources Officer, is a member of the career service and paid at the DS-13, step 6 level. She has been temporarily detailed to the Board of Zoning, an independent agency of the District of Columbia, to perform personnel duties. Adele is:
 - (a) A public official required to file an FDS with OCF because she is in a Government service and paid at the rate of DS-13.
 - (b) Not a public official required to file an FDS with OCF because she is not a supervisor.
 - (c) A public official required to file an FDS with OCF because, as a result of her detail, she may be a political appointee.
 - (d) Not a public official required to file an FDS with OCF because she is in the career service.

ANSWER TO QUESTION ONE

- The correct answer is (d) because Adele is not a member of the Excepted, Legal or Management Supervisory Services. Only employees of these services are required filers.
- The correct answer is not (a) because, to qualify as a person required to file the FDS, the DS-13 employee must also be a member of the Excepted, Legal or Management Supervisory Services.
- The correct answer is not (b) because a required filer's status as a "supervisor" is irrelevant.
- The correct answer is not (c) because agency records solidly reflect the status of each employee.

QUESTION TWO

- Bailey Burrowes, an Advisory Neighborhood Commissioner (ANC), has been a member of the 13-member Commission on D.C. Autonomy, for 5 years. Bailey duly filed his FDS for 3 years. However, the Commission on D.C. Autonomy never had an organizational meeting, so Bailey stopped filing his FDS for the last 2 years. Bailey is:
 - (a) Exempted from filing his FDS because the Commission on D.C. Autonomy never met.
 - (b) Exempted from filing his FDS because he had nothing to report for the 3 years that he filed his FDS and nothing had changed.
 - (c) Not exempted from filing his FDS because he must file an FDS, as a member of the Commission on D.C. Autonomy, whether or not the board met.
 - (d) Not exempted from filing his FDS because, as an ANC, he is a public official.

ANSWER TO QUESTION TWO

- The correct answer is (c) because the appointment to a a board or commission triggers the filing of the FDS by the appointee; and not the number of meetings, if any, held by that board or commission.
- The correct answer is not (d) because an ANC is not a public official for the purposes of the financial disclosure statute and is, therefore, not required to file an FDS.
- The correct answer is not (a) because whether or not a board or commission has met is not a qualification for the filing of the FDS by the appointee; it is the appointment that triggers the filing of the FDS.
- The correct answer is not (b) because a required filer must submit the FDS every year, regardless of changes, if any. In fact, an FDS filer must submit an amended FDS within 90 days of any change to the original filing.

Conflict of Interest

- A conflict of interest exists when any public official, in the discharge of official duties, is required to take an action or make a decision that would affect directly or indirectly:
 - (a) A member of their household, i.e., immediate family members; or
 - (b) A business, for profit, with which the public official or a member of his or her household is associated.
- Each ANC member is subject to the conflict of interest statute.

QUESTION THREE

- Flora Ferguson is a member of the three (3) person D.C. Wildlife Preservation Board (WPB). The WPB is considering a tag monitoring program to track the ingress and egress of feral felines onto playgrounds adjacent to District schools; and, solicited testimony from local vendors as to the implementation of the program. Flora's husband, Fabio, owns Bands of Life, a non-profit company which humanely tags animals for federal government programs, for clinical observation. He testified before the WPB and promised that, if the WPB approved the program, he would tag the feral felines for free. Flora should:

QUESTION THREE (cont.)

- (a) Not recuse herself because Bands of Life is a non-profit corporation.
- (b) Recuse herself because Bands of Life is a non-profit corporation.
- (c) Not recuse herself because, heretofore, Fabio has obtained federal contracts.
- (d) Recuse herself since Fabio may obtain the contract with D.C. Government to administer the tag monitoring program.

ANSWER TO QUESTION THREE

- The correct answer is (d) because Flora will be required to take official action, a vote or a decision, on a matter that will directly affect her husband, Fabio.
- The correct answer is not (a) because, although Bands of Life is a non-profit corporation and a decision by a public official pertaining thereto is not a conflict of interest, Flora will be required to take official action, a vote or a decision, on a matter that will directly affect her husband, Fabio, the owner of Bands of Life.
- The correct answer is not (b) because a public official is not presented with a conflict of interest when a vote or a decision would affect directly or indirectly a not for profit corporation or entity.
- The correct answer is not (c) because Fabio's contracts with the federal government are irrelevant in this context, since he testified before the WPB as to his desire to administer the tag monitoring program, notwithstanding that he would perform the contract for free; accordingly, any vote by Flora, his wife, would affect him.

